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GREATER METRO CABLE CONSORTIUM

MAR 29 1996

FCC MAIL ROOM

March 28, 1996

Wm. F. Caton, Acting Secretary
Federal Communications Commission
1919 M Street NW
Washington, DC 20554

Re: Ref. C.S. Docket No. 96-46
FCC Document 96-99

Dear Secretary Caton:

We believe that it was Congress' intention by passing the "Open Video Systems" provision, to allow voices that currently have access to cable service video platforms, to have the same access on the OVS systems. The current users include elementary and secondary schools, higher education, churches and synagogues, charitable institutions, local governing bodies, and state and local agencies.

The Greater Metropolitan Cable Consortium (GMCC) represents 24 cities and counties in the Denver, Colorado metropolitan area, with a population of over 2.5 million people. A list of GMCC members is attached. On behalf of our agencies and these consumers, we have concerns that OVS regulations not violate the spirit of the provision crafted by Congress. Therefore, I request your most favorable consideration of the regulations:

- With regard to Public, Educational, and Government (PEG) access on open video systems, please enforce regulations that produce a result that equals the level of access and services, facilities, equipment, and support available to PEG access centers on cable systems.
- Please ensure that access to video platforms by programmers unaffiliated with open video system platform operators is readily available by exercising the Commission's statutory authority to impose rate and regulatory structuring of platform access.
- Where OVS overlap franchise jurisdictions, or covers only a part of a franchise area, the consumers should have the same opportunity to have PEG services as are currently provided by, what will be competing cable providers.

Administration

14949 East Alameda Drive
Aurora, Colorado 80012
303-340-2229
Fax: 303-340-2237

Thomas P. Nicholas,

President
303-340-2240
Fax: 303-340-2237

Ron Mitchell,

Vice-President
303-660-1015
Fax: 303-660-1028

Robert Roby,

Secretary
303-431-3000
Fax: 303-431-3085

Terry Funderburk,

Treasurer
303-659-2121
Fax: 303-654-6150

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- Where an OVS provider overlaps franchise areas, or only serves a portion of an area, the FCC's rules should specify that, at a minimum, subscribers in these overlapping or partial areas receive the PEG services that are provided by the incumbent cable operator and are germane to their area. In some cases, this may mean receiving additional services from adjacent areas. However, this potential problem can be resolved by segmenting larger regional systems into smaller service areas for the purpose of discretely providing PEG services targeted at a specific franchise area. Cable operators have been meeting franchise-specific requirements in this way for a number of years. As targeted service delivery technology improves, systems segmentation will be even easier to implement. Accordingly, OVS operators should not find it difficult to follow, and even improve upon, the cable system segmentation model.
- Please follow the clear intent of congress in creating open video systems as a means of encouraging *local exchange carriers* to enter the video services market, by prohibiting cable operators who are already present in the video market from converting to the open video regulatory system.
- Please consider the importance of local government's ability to send a message by one phone call over all systems providing service in their community during emergency situations. Currently, within cable franchises, the ability to override a system by local government to disseminate emergency information is provided. This should be the same for open video system providers.
- In the current franchise agreements with cable operators, there are a certain number of access channels and channel locations defined for local communities. In the interests of both consumers and fairness between competitors, it is important to require open video system providers to provide the same number of access channels and meet similar location requirements. This ensures consumers will not be inconvenienced or confused as to this important information.

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We believe the Telecommunications Act has the potential of opening up new vistas for meaningful electronic expression by schools, non-profits, community support groups, and governmental bodies and agencies. Therefore, on behalf of the 24 cities and over 2.5 million people represented by the GMCC, I urge you to consider the concerns we have expressed in your rule making.

Sincerely,



Tom Nicholas
President, GMCC

attachment: GMCC members

cc: FCC Directors (nine copies attached)
Office of the Secretary, FCC 1919 M Street NW, Room 222,
Washington, DC 20554
Larry Walke, Cable Services Bureau, 2033 M Street NW, Room
48A, Washington, DC 20554
International Transcription Services, Inc., 2100 M Street NW,
Suite 140, Washington, DC 20037
NATO
Alliance for Community Media, 666 11th Street NW, Suite 806,
Washington, DC 20001-4542

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(January 1996)

ADAMS COUNTY
TERRY FUNDERBURK
654-6064 FAX 654-6056
(654-6188-Adams County)
*BUD CHANDLER
450 SOUTH 4TH STREET
BRIGHTON, CO 80601
659-2121 FAX 654-6150

CITY OF ARVADA
*BOB ROBY
PHIL CORTESE
8101 RALSTON ROAD
ARVADA, CO 80002
431-3000 FAX 431-3085

CITY OF AURORA
TOM NICHOLAS*
340-2240 FAX 340-2237
14949 EAST ALAMEDA DR
AURORA, CO 80012

CITY OF BOULDER
RICHARD VARNES
441-3102 FAX 441-3553
BOX 791
BOULDER, CO 80306

CITY OF CASTLE ROCK
RON MITCHELL
660-1015 FAX 660-1028
680 NORTH WILCOX
CASTLE ROCK, CO 80104

CITY OF CHERRY HILLS VILLAGE
CHUCK COWARD
789-2541 EXT.3022/FAX 761-9386
2450 EAST QUINCY AVE
CHERRY HILLS VILLAGE, CO 80110

CITY OF COMMERCE CITY
FRITZ SPRAGUE
289-3612 FAX 289-3688
BOX 40
COMMERCE CITY, CO 80037

CITY OF DENVER
CHRIS CURTIS
640-2845 FAX 640-7028
OFFICE OF TELECOMMUNICATIONS
303 WEST COLFAX AVE
SUITE 850
DENVER, CO 80204

DOUGLAS COUNTY
GARY COPP
660-7454 FAX 660-9661
101 3RD STREET
CASTLE ROCK, CO 80104

CITY OF ENGLEWOOD
PERRY MOVICK
762-2380 FAX 789-1125
3400 SOUTH ELATI
ENGLEWOOD, CO 80110

EDGEWATER
TAMI TANOUE (ATTORNEY)
298-1601 FAX 298-1627
GRIFFITHS & TANOUE, P.C.
1860 BLAKE STREET, SUITE 550
DENVER, CO 80202

CITY OF GLENDALE
*ARIANNE LAHANA
GARY SEARS
759-1513 FAX 759-0561
950 SOUTH BIRCH
GLENDALE, CO 80222

CITY OF GOLDEN
AL REFFEL
384-8032 EXT 302/FAX 384-8036
911 10TH STREET
GOLDEN, CO 80401

CITY OF GREENWOOD VILLAGE
STEVEN CROWELL (MANAGER)
*BETH CUTLER (ASSISTANT
MANAGER)
773-0252 FAX 290-0631
6060 SOUTH QUEBEC STREET
GREENWOOD VILLAGE, CO 80111

CITY OF LAKEWOOD
***JONI INMAN**
KATHIE BEARD
987-7050 FAX 987-7063
445 SOUTH ALLISON PKWY.
LAKEWOOD, CO 80226

CITY OF LITTLETON
KELLI NARDE
795-3733 FAX 795-3819
2255 WEST BERRY AVE
LITTLETON, CO 80165

CITY OF NORTHGLENN
DARRYN ZUEHLKE
450-8713 FAX 450-8798
11701 COMMUNITY CENTER DRIVE
NORTHGLENN, CO 80233-1099

CITY OF PARKER
GREG LOPEZ (Mayor)
CAROL BAUMGARTNER
841-0353 FAX 840-9792
20120 EAST MAIN STREET
PARKER, CO 80134

CITY OF SHERIDAN
MARK WALLACE
762-2200 FAX 762-2238
4101 SOUTH FEDERAL
SHERIDAN, CO 80110

CITY OF THORNTON
MIKE FREEMAN
538-7553 FAX 538-7562
9500 CIVIC CENTER
THORNTON, CO 80229

CITY OF WESTMINSTER
GARY CASNER*
430-2400 EXT 2021 FAX 428-4564
4800 WEST 92ND AVE
WESTMINSTER, CO 80030

CITY OF WHEAT RIDGE
PATRICIA CREW
235-2812
234-5900 FAX 234-5924
7500 WEST 29TH AVE
WHEAT RIDGE, CO 80215

GMCC COUNSEL
NORMAN BEECHER, ESQ.
617-9000 FAX 617-1009
3730 SOUTH CATHAY CIRCLE
AURORA, CO 80013